



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,688	12/17/2001	Maiko Yamada	R2184.0130/P130	7854
24998	7590	04/27/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			COUSO, JOSE L	
2101 L Street, NW			ART UNIT	
Washington, DC 20037			PAPER NUMBER	
			2621	
DATE MAILED: 04/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,688

Applicant(s)

YAMADA, MAIKO

Examiner

Jose L. Couso

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 5-12, 16-23 and 27-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 13-15 and 24-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/17/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2621

1. Applicant's election with traverse of the restriction requirement under 35 USC 121 with respect to claims 1-34 in the response filed January 3, 2005 is acknowledged.

The traversal is on the ground(s) that "at least some of the non-elected claims can be examined along with the elected claims without imposing a serious burden on the Office. This is not found persuasive because the restricted inventions have separate classification, separate status in the art and different field of search.

The restricted inventions have separate classifications as follows. Claims 1-4, 13-15 and 24-26, drawn to an image compression apparatus, method and computer-readable information recording medium having a software program recorded therein to be read by a general-purpose computer, classified in class 382, subclass 232. Claims 5-12, 16-23 and 27-34, drawn to an image decompression apparatus, method and computer-readable information recording medium having a software program recorded therein to be read by a general-purpose computer, classified in class 382, subclass 233. This shows that each distinct subject has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search.

The restricted inventions have separate status in the art as evidenced by the fact that in the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the broadest combination claim does not include the details of the claims in the other Group. Furthermore, the subcombinations have separate utility such as as a compression device and a decompression device.

The restricted inventions have a different field of search as evidenced by the different field of search. Claims 1-4, 13-15 and 24-26, drawn to an image compression

Art Unit: 2621

apparatus, method and computer-readable information recording medium having a software program recorded therein to be read by a general-purpose computer, classified in class 382, subclass 232. Claims 5-12, 16-23 and 27-34, drawn to an image decompression apparatus, method and computer-readable information recording medium having a software program recorded therein to be read by a general-purpose computer, classified in class 382, subclass 233. This shows that there are necessary places to search for one of the distinct subjects where no pertinent art to the other subjects exists.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 13-15 and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoshi (U.S. Patent No. 5,196,932).

With regard to claims 1, 13 and 24, Hoshi describes a part performing pixel thinning-out operation and compressing image data (see figure 4, elements 24, 25 and 29, and refer for example to column 4, lines 5-39); and a part determining a position of

Art Unit: 2621

pixel be thinned out along a first direction depending on the position thereof along a second direction perpendicular to the first direction (see figure 4, element 23 and refer for example to column 3, line 64 through column 4, line 5).

As to claim 2, Hoshi describes wherein the position of pixel to be thinned out along the first direction has a predetermined relationship with the position thereof along the second direction (refer for example to column 4, lines 5-11).

In regard to claims 3 and 14 and 25, Hoshi describes wherein the position of pixel to be thinned comprises a position with respect to each unit area the relevant image including a predetermined number of pixels (as clearly illustrated in figure 6).

With regard to claims 4, 15 and 26, Hoshi describes wherein the positions of pixels to be thinned out along first direction are determined along the second pixels to be thinned out not align with one another between each pair of unit areas adjacent to one another along the second direction (see figures 3A-F and refer for example to the abstract and column 2, line 57 through column 3, line 4 and column 4, lines 14-30).

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakayama et al. ('878) and ('448), Takei et al., Kondo, Yasuhiro and Ishii et al. disclose systems similar to applicant's claimed invention.

Art Unit: 2621

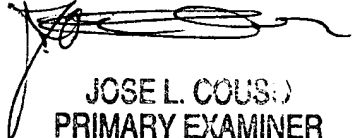
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jose L. Couso whose telephone number is (703) 305-4774. The examiner can normally be reached on Monday through Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (703) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the USPTO contact Center whose telephone number is (703) 308-4357.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jlc
April 19, 2005


JOSE L. COUSO
PRIMARY EXAMINER